

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MELVIN KORNBERG,

Plaintiff(s),

vs.

UNITED STATES OF AMERICA, et al.,

Defendant(s).

Case No. 2:14-cv-02165-JCM-NJK

ORDER TO SHOW CAUSE

On June 1, 2015, the United States filed a motion to dismiss.¹ Docket No. 10. The Rule 26(f) conference was required to be held within 30 days after the first defendant's answer or appearance. *See* Local Rule 26-1(d) ("Counsel for plaintiff shall initiate the scheduling of the Fed. R. Civ. P. 26(f) meeting within thirty (30) days after the first defendant answers or otherwise appears"). The stipulated discovery plan was due 14 days thereafter. *See* Local Rule 26-1(d) ("Fourteen (14) days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated discovery plan and scheduling order"). As such, the stipulated discovery plan was due on July 15, 2015. The parties failed to timely file such a plan.

¹ The fact that Defendant filed a motion to dismiss, standing alone, does not act as an automatic stay of the parties' discovery obligations. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013) (quoting *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 560 (D. Nev. 2011)). To the extent either or both parties seek a stay of discovery, they must file a motion or stipulation addressing the relevant standards for such relief.

1 Accordingly, the parties are hereby **ORDERED** to show cause in writing, no later than July 30,
2 2015, why they failed to comply with the Local Rules as outlined above. Alternatively, the filing of a
3 joint proposed discovery plan by that date will suffice to discharge this order to show cause.

4 IT IS SO ORDERED.

5 DATED: July 23, 2015

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10 NANCY J. KOPPE
11 United States Magistrate Judge
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